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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Attorney Docket No.:
42390P8119

RECEIVED

First Named Inventor: Mohamed Arafa

Application No.: 09/752,798

Art Unit: 2814

MAR 05 2004

Filed: December 28, 2000

Examiner: MAI, Anh

OFFICE OF PETITIONS

Title: METHOD OF MAKING SIDEWALL SPACERS USING BTBAS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed May 19, 2003, which set a three (3) month period for response. The abandonment date of this application is November 20, 2003 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity fee \$____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$1330.00 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response/Amendment to Office Action (identify type of reply);

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

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Based on Form PTO/SB/64 (10-01) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 10/28/03.

3. Terminal disclaimer with disclaimer fee

☒ [X] Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ [] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT:


The delay caused by the abandonment of the application was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2

February 27, 2004
Date

Telephone
Number: (408) 720-8300


Signature

Suk S. Lee
Typed or printed name

47,745
Reg. No.

Enclosures: ☒ [X] Fee Payment
☒ [X] Reply
☐ [] Terminal Disclaimer Form
☐ [] Additional sheets containing statements establishing unintentional delay
☐ [] Other: _____

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd., 7th Flr., Los Angeles, CA 90025
Address

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ [X] deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

☐ [] transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

February 27, 2004
Date


Signature

Dianne Neathery
Typed or printed name of person signing certificate